



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
August 16, 2016

WORK SESSION

- 1. CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:37 pm.
- 2. COUNCIL PRESENT:** Mayor Krisanna Clark, Councilors Linda Henderson, Jennifer Kuiper and Renee Brouse. Councilor Dan King arrived at 5:40 pm. Council President Jennifer Harris and Councilor Sally Robinson were absent.
- 3. STAFF PRESENT:** Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, City Engineer Bob Galati, Interim Finance Director Cathy Brucker, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
- 4. TOPICS:**

A. City Manager Evaluation Process Review

City Attorney Josh Soper provided the Council with a handout (see record, Exhibit A) and explained the changes discussed at the prior work session. He asked if the Council would like to make further changes. Council asked for a timeline of the actual City Manager review. Mr. Soper said the Council is required to formally approve the criteria and the process by resolution and then staff will send the Council the survey and start the process. He said there is an executive session scheduled for October 17 to discuss the evaluation.

Councilor Henderson asked about feedback from senior management staff. Mr. Soper said there will be language in the resolution indicating that the same survey will be sent to staff which is the same process as last year. With no further questions from Council, Mr. Soper said the resolution will be prepared and presented at the September 6, 2016 meeting.

B. Transportation SDC Update

City Engineer Bob Galati provided the Council with a handout (see record, Exhibit B) and reminded the Council of the 2005 Transportation System Plan (TSP) which was updated in 2012 (*later Mr. Galati clarified that it was updated in 2014*) and stated the methodology report and SDC rate has to be updated so the rates reflect the projects in the TSP. He introduced FCS Group consultants John Ghilarducci and

Doug Gabbard and asked them to explain their analysis. Mr. Ghilarducci provided background and stated the SDCs are a one-time development charge and are for capital only. He discussed the difference between a reimbursement fee and an improvement fee and explained SDC Credits. He said they developed two options for Council consideration and noted the first option is the recommended option. He stated option 1 calculates the SDCs to apply uniformly to all development throughout the City which means there is no variation by geographic area and said it is the easiest to administer. He noted option 2 provides for Citywide SDCs with overlays for Tonquin Employment Area and Brookman.

Doug Gabbard discussed how growth affects the SDC rate and explained how they measure growth. He said the current trend is to measure average daily person trips (ADPTs) which include walking, biking and driving trips. He stated the reimbursement fee is based on the cost of capacity available in the existing system less grants and contributions, and the improvement fee cost is based on future projects. He explained the calculations used for determining a citywide uniform SDC and stated it equates to \$101 per ADPT and noted a single family residence has approximately 15 ADPTs, resulting in a total of approximately \$1500.

Mr. Gabbard discussed the option of having specific overlay areas with a surcharge in addition to the citywide SDC and in this case it would be Tonquin and Brookman. He explained the calculations used and said the net result is the citywide SDC is reduced to \$41 per ADPT and the overlay areas equate to \$100 per ADPT in the Tonquin overlay and \$277 per ADPT in the Brookman overlay. He compared the two different options and applied them to four land uses. He stated the analysis calculates for the maximum defensible SDC and there is room for policy making under this.

Assistant City Manager Tom Pessemier reminded the Council that there were adjustments to the SDCs a few years ago but they did not have this data available at the time.

Mr. Gabbard commented on the SDC rate comparison with other cities and said Sherwood is in the middle. He referred to the recently passed Ballot Measure 34-244 which requires all residential rate increases above 2% to go before the voters and said it does not apply to SDCs because they are charged before the property is occupied.

Community Development Director Julia Hajduk said the plan is to share this information with the public and the development community. She stated that staff recommends the citywide uniform option but will be looking for feedback. Discussion followed.

Mr. Pessemier commented on the amount of work involved in this analysis and asked if the Council would like more information. Councilor Kuiper said she would appreciate more context and the pros and cons of the two options.

City Engineer Bob Galati reminded the Council that the current SDC rate is not reflective of the TSP project list and that it needs to be updated.

5. ADJOURN:

Mayor Clark adjourned the work session at 6:35 pm.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:00 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Councilors Linda Henderson, Renee Brouse, Dan King and Jennifer Kuiper and Council President Jennifer Harris via conference call. Councilor Sally Robinson was absent.
3. **STAFF AND LEGAL COUNSEL PRESENT:** Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Captain Mark Daniel, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Senior Planner Michelle Miller, Planning Manager Brad Kilby, Court Administrator/Supervisor Lisa Layne, Municipal Court Judge Jack Morris, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark addressed the next agenda item and asked for a motion.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON WAS ABSENT).

City Recorder Sylvia Murphy informed the Council that the City Council Meeting Minutes from July 19, 2016 included in the paper packet is missing page 13 which was accidentally omitted in the print process. She noted that the electronic version of the packet which is on the City website is complete and accurate. She provided each member with a copy of page 13 of the minutes for their consideration of approval. Mayor Clark asked the Council to review the page.

Mayor Clark addressed the next item on the agenda and asked for a motion.

5. CONSENT AGENDA:

- A. Approval of June 14, 2016 City Council Meeting Minutes
- B. Approval of July 19, 2016 City Council Meeting Minutes
- C. Resolution 2016-051 Reappointing Rob Rettig to the Planning Commission
- D. Resolution 2016-052 Reappointing Meerta Meyer to the Budget Committee

MOTION: FROM COUNCILOR KING TO APPROVE THE CONSENT AGENDA, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS:

- A. Recognition of Eagle Scout Award Recipients

Mayor Clark recognized and congratulated Noah LaFave for obtaining the rank of Eagle Scout. He was not present and Mayor Clark indicated the certificate would be mailed.

Mayor Clark called forward Michael Wakefield and asked him to describe his Eagle Scout project. Michael shared a story with Council of when he was a student at Archer Glen, he would walk through mud when updating the reader board. He said he paved a path to the reader board at Archer Glen elementary so it would be easier for the students when they make changes. He said he used pavers that were donated by Willamette Graystone and he lead over 20 volunteers. Mayor Clark presented Michael with a certificate of achievement and thanked him for his service.

B. Recognition of Sherwood High School Students-Academic Performance

Mayor Clark welcomed Sherwood High School students and families and the City Council recognized the students that received a 4.0 GPA for the 2015-16 school year. Assistant City Manager Tom Pessemier called forward students and the City Council presented them with Certificates of Achievement.

C. Employee Spotlight

Assistant City Manager Tom Pessemier recognized Municipal Judge Jack Morris and Court Administrator Lisa Layne as employees that do an exemplary job for the City. He stated Court Administrator/Supervisor Lisa Layne has been with the City for 21 years. He said she has been a member of the Oregon Association of Court Administrators for 24 years. He said Lisa has also provided notary service for the City since 1998. He stated that when Lisa began working for the City of Sherwood the population was only 4,722 and she has seen a great deal of change. He introduced Judge Jack Morris who has been with the City since 1996 and provided a brief background of his career. He stated that when Judge Jack began working for the City of Sherwood the population was 5,703. He commended the Municipal Court and said he has never heard a complaint and the City appreciates that.

Mayor Clark said the Municipal Court has many accolades and that speaks volumes for the staff and she congratulated them. Council thanked them for their service.

Councilor Henderson asked what has changed throughout their years of service. Ms. Layne said the Court has had location changes and the volumes have increased as the population has grown. Councilor Henderson commented on the efficiencies of the court.

Mayor Clark addressed the next agenda item.

7. CITIZEN COMMENTS

Tess Kies, Sherwood resident came forward and commented on the upcoming election and asked the Council to consider Town Hall meetings to keep the citizens informed and allow them a chance to meet the candidates.

The City Recorder informed the Council that Rick Rogers with Newberg Area Habitat for Humanity was unable to stay and left information for the Council regarding an upcoming event, the 2016 Elected Officials Build.

With no other citizen comments, Mayor Clark addressed the next item on the agenda.

8. PUBLIC HEARING

A. Ordinance 2016-011 Renaming a Segment of SW Columbia Street to SW Odge Gribble Lane

Community Development Director Julia Hajduk recapped the staff report and reminded the Council that this was the second reading of the ordinance. She stated that on June 7, 2016 the Council voted to initiate the process of renaming the segment of SW Columbia Street, located between SW Pine and SW Washington Street to SW Odge Gribble Lane. She said the City Council approved the proposed ordinance at the first reading on July 19, 2016. She recapped the staff report and stated that this meets the criteria and recommended the Council adopt the ordinance.

Mayor Clark said this is the second reading and there is support for the ordinance. She noted that this does not change any addresses and is honoring a dedicated citizen.

Mayor Clark opened the public hearing. With no public comments received, she closed the public hearing.

With no further questions, the following motion was made.

MOTION: FROM MAYOR CLARK TO READ CAPTION AND ADOPT ORDINANCE 2016-011 RENAMING A SEGMENT OF SW COLUMBIA STREET TO SW ODEGE GRIBBLE LANE, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next agenda item and the City Recorder read the public hearing statement.

B. Ordinance 2016-012 Amending multiple sections of the Zoning and Community Development Code including Divisions I, II, and III as it relates to the regulation of Recreational Marijuana Facilities

Senior Planner Michelle Miller presented information (see record, Exhibit C) for the first reading of an ordinance concerning recreation marijuana facilities. She stated this proposes to add definitions to the development code and add different license types to the different use table and general criteria that is addressed in the special use chapter regulating reasonable time, place and manner restrictions on the different license types. She said in March 2016 staff began public outreach with a survey which received 289 responses. She said there were two public work sessions with the Police Advisory Board and the Planning Commission along with interested citizens and other outreach activities. She said the decision is up to Sherwood voters as to whether to ban recreational marijuana facilities and there is currently a moratorium on the facilities. She stated the proposed regulations are in the event the voters decide to allow recreational marijuana facilities. She said in 2014, Ballot Measure 91 was approved to allow legalization of recreational marijuana and tasked the OLCC with developing special rules and license types. She stated the general State rules indicate that the facilities cannot be located on federal property, at the same location or address as a liquor license or medical marijuana dispensary, growing or processing site registered with the OHA, in areas zoned residential or within 1,000 feet of a school. She stated this ordinance proposes to potentially go beyond the State rules. She referred to a map which illustrates where these facilities could potentially locate considering the proposed buffers. She

commented on the five different license types along with the seven different industrial zones and where the Planning Commission has proposed to permit facilities. She said producers would only be allowed in the general or light industrial zones with no outdoor growing, with odor mitigations measures in place and must be at least 100 feet away from a residential zone. She said retailers would only be allowed in the general commercial, light industrial and general industrial with no walk up, drive through or mobile delivery allowed. She stated the retail facilities may not be within 1,000 feet of a school, another retail or medical marijuana facility or public park or plaza and must be at least 100 feet from a residential zone and cannot be larger than 3,000 square feet. She said processors, wholesale and lab and testing facilities would not be allow in Old Town and noted that producers and retailers are also not allowed in Old Town. She stated they need to be 100 feet away from residential zones and no outdoor storage of marijuana is allowed.

Councilor Henderson referred to the OLCC licensing and asked if you could apply for a license as a retailer as well as a laboratory. Ms. Miller said yes and noted the Planning Commission considered this and decided that limiting zoning and having a residential buffer was enough.

She stated the Planning Commission recommends approving the ordinance with an effective date pending the November 8, 2016 election results. She said the second reading is tentatively scheduled for September 6, 2016. She noted that on page 90 of Exhibit 1 there is a Scribner's error and asked that the words "or Production" be added to the last bullet point after "Recreational Marijuana Processing". Ms. Miller said this will be consistent with the commercial uses. She said the changes will be incorporated before the next reading.

Councilor Kuiper referred to the table on page 36 which illustrates that producers are not permitted in the employment industrial zones and asked why. Ms. Miller said that relates to the Tonquin Employment area and in keeping with the idea of using that as some of the new industrial land to limit the large swaths of production for the purposes of marijuana growing.

With no further Council questions, Mayor Clark opened the public hearing. With no public comments received, she closed the public hearing.

With no additional questions from the Council, Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR KUIPER TO APPROVE ORDINANCE 2016-012 AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS I, II, AND III AS IT RELATES TO THE REGULATION OF RECREATIONAL MARIJUANA FACILITIES AND PLACE IT ON THE NEXT AVAILABLE CITY COUNCIL MEETING AGENDA FOR ADDITIONAL COMMENT AND CONSIDERATION, SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON WAS ABSENT).

9. CITY MANAGER REPORT:

City Manager Joseph Gall was absent and a report was not given.

Mayor Clark addressed the next item on the agenda.

10. COUNCIL ANNOUNCEMENTS

Mayor Clark announced the passing of Sherwood longtime resident Julian Thornton and sent out condolences to the family. She reminded everyone the School District will have the all district rally on August 29 and encouraged citizens to attend. She reminded drivers that kids will be returning to school and to drive safe in school zones. She reported that the School District has tested for lead and has removed any locations that showed for lead. She said the Elks are collecting items for comfort baskets for a Veterans Affairs program that moves veterans into new homes. She commented on Measure 97 and the request for Council to pass legislation in opposition to the measure and stated that staff cannot take a political stance. She said as individuals that the Council can put together a resolution and said that is currently being discussed. She said a Conflict Resolution 101 class will be held at the Library on October 10 at 10 am. She reported the Sherwood Youth Football carwash is Saturday. She said the City Manager has selected a firm to complete the YMCA feasibility study and the study should be complete by November and presented to Council.

Councilor King reported Sherwood Main Street has two openings on the Board. He commented on the water rates in Hillsboro which were increased by 9% and expected to increase for the next 9 years. Mayor Clark referred to a chart comparing water rates and stated that Hillsboro is currently paying \$22.05 which will increase to \$24 and Sherwood is currently \$40.45. She said Sherwood is still high and noted that other municipalities are facing increases.

Councilor Kuiper offered her condolences to Alice Thornton. She commented on the Sherwood Police Department playing in the Cannery Square fountain this week with the children and thanked them.

Mayor Clark said with the heat advisory this week she reminded citizens to check on seniors and pets.

Councilor Brouse thanked the Police for the National Night Out and she thanked the sponsors. She congratulated Dr. Adam Francois at Sherwood Dental for being in business 20 years in Sherwood. She announced the opening of Legacy Go for urgent care needs. She said Sherwood Main Street will meet on Thursday at 8 am. She reported the School Board approved a bond measure to be placed on the November ballot. She announced a new organization led by Lisa McGuigan called Sherwood Advocating for Seniors and the next meeting is Monday. She said the Relay for Life was successful and raised over \$26,000.

Councilor Henderson thanked the Police Department for their spontaneity and the National Night Out. She said the Police Advisory Board meets this week. She reported the YMCA Family Triathlon is August 20 from 10 am to 1 pm. She said Bowmen cards are available through Sherwood High School football and encouraged the public to support the program by purchasing Bowmen cards. She commented on the success of the Missoula Children's Theatre. She announced that the Sherwood Foundation for the Arts is doing a play in January 2017. She said she attended a Community Development Block Grant (CDBG) meeting and said Hillsboro is now going to have their own CDBG program and said this may be a difficult and challenging transition. She encouraged the City to apply for a CDBG in the future for our senior community. Mr. Pessemier said the City is planning on apply in October.

Council President Harris congratulated the Library and the Art Walk for the grants they received. She announced the last Music on the Green is tomorrow and Movies in the Park is on Friday. She said there will be a goodbye party on August 31 at 5 pm. for Theresa who hosts Storytime.

With no further announcements, Mayor Clark adjourned the meeting.

11. ADJOURN:

Meeting adjourned at 8:15 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor